

MAR 08 2019

SENATE CONCURRENT RESOLUTION

URGING THE HAWAII CONGRESSIONAL DELEGATION TO INVESTIGATE
COMPLAINTS FILED AGAINST THE TRANSPORTATION SECURITY
ADMINISTRATION REGARDING ITS ENHANCED SCREENING PROCEDURES
AND TO TAKE CORRECTIVE ACTION TO ADDRESS THE COMPLAINTS.

1 WHEREAS, in March 2017, the Transportation Security
2 Administration (TSA) implemented a new, enhanced pat-down
3 procedure to screen passengers at airports across the nation;
4 and

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6 WHEREAS, this enhanced screening procedure was a result of
7 a 2015 Department of Homeland Security Office of Inspector
8 General assessment that revealed several weaknesses in TSA
9 technology and screening procedures; and

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11 WHEREAS, the new screening procedure consists of enhanced
12 security measures that standardizes TSA's physical inspection
13 procedures rather than allow screeners to choose between
14 different procedures; and

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16 WHEREAS, as a result of the enhanced screening procedure,
17 there have been reports of more frequent, intense, and
18 unwarranted intimate inspections; and

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20 WHEREAS, part of the enhanced screening procedure allows
21 TSA officers to use the front of their hands, rather than the
22 back, when screening passengers if technology indicates a
23 possible high-security threat; and

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25 WHEREAS, the enhanced screening procedure also allows TSA
26 officers to inspect areas such as the buttocks, groin, and
27 breasts, creating uncomfortable and awkward situations for many
28 passengers who are subject to a physical inspection; and

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30 WHEREAS, these new and enhanced procedures have resulted in
31 complaints of invasion of privacy and a violation of civil



1 liberties, including those who are disabled, of passengers
2 throughout the nation; now, therefore,

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4 BE IT RESOLVED by the Senate of the Thirtieth Legislature
5 of the State of Hawaii, Regular Session of 2019, the House of
6 Representatives concurring, that the Hawaii congressional
7 delegation is urged to conduct an investigation on complaints
8 filed against the TSA regarding the use of its enhanced
9 screening procedure; and

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11 BE IT FURTHER RESOLVED that in conducting the
12 investigation, the Hawaii congressional delegation is urged to
13 investigate complaints relating to an invasion of privacy,
14 sexual assault, assault, and any violations of civil liberties,
15 including those against disabled persons, as a result of the
16 enhanced screening procedures; and

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18 BE IT FURTHER RESOLVED that the Hawaii congressional
19 delegation is urged to take any necessary corrective actions to
20 address the concerns, such as introducing legislation that would
21 make it a criminal offense, as part of a search performed to
22 grant access to a publicly accessible building or form of
23 transportation, to:

- 24
25 (1) Intentionally, knowingly, or recklessly search another
26 person without probable cause to believe the person
27 committed an offense;
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29 (2) Touch the genitals, breasts, or anus of the other
30 person, including touching through clothing; or
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32 (3) Touch the other person in a manner that would be
33 offensive to a reasonable person; and
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35 BE IT FURTHER RESOLVED that certified copies of this
36 Concurrent Resolution be transmitted to the members of Hawaii's
37 congressional delegation and the Administrator of the
38 Transportation Security Administration.
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OFFERED BY:





S.C.R. NO. 150

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